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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,655	07/28/2006	Yukihiro Yoshida	H1658.0013/P013	2834

24998 7590 04/14/2009  
DICKSTEIN SHAPIRO LLP  
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Washington, DC 20006-5403

EXAMINER
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SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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04/14/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,655	<b>Applicant(s)</b> YOSHIDA, YUKIHIRO	
	<b>Examiner</b> HELEN SHIBRU	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/08/08,07/28/06</u> .                                       | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Omokawa (EP 1 206 132 A2).

Regarding claim 1, Omokawa teaches a video signal playback unit, comprising: a record and playback section (see disk drive 12 in figure 1) for recording and playing back image data (paragraphs 0031 and 0046 (lines 52-58) where the prior art teaches recording and reading data to and from the disk 11); a skip operation section (see key input section 22, operation panel or remote control) for receiving skip playback instruction input resulting from user operation (see paragraph 0046-0047 where the prior art teaches one of the trick play mode is a skip section which is performed by the user of remote control); a calculating section (processor 16 in figure 1) for calculating, based on the skip playback instruction input being input from the skip operation section, a first time skipped a predetermined time from a playback time at the time of input (see figure 2 step 12 and step 13 where it shows that if the answer for S12 is No the skip time, 27 seconds, is calculated, see also claim 2 lines 14-20 where the prior art cites skipping the reproduction of the image information by the reproduction processor for a first predetermined period), and a second time obtained by adding a predetermined time to the first time (see figure 2 from step 12-step 14 then step 16 where the prior art

Art Unit: 2621

shows skipping by further 29 seconds, and see also claim 3 lines 45+, where the prior art cites skipping the reproduction of the image further by a predetermined period); and an output section (display section 23 in figure 1) for outputting a first video signal for image data played back by the record and playback section (see figure 1 where it shows that image data from the recording and playing back section is outputted to the display section), the first video signal (signal that goes from step 12 to step 13) being corresponding to the first time calculated by the calculating section (see paragraph 0047 where the prior art teaches when the picture information is being reproduced, it is monitored if the skip key is pressed or not (see step 12), so when the answer to step 12 is NO, the commercial is skip for 27 seconds), and a second video signal for image data played back by the record and playback section, the second image data (the signal routing from step 12, then 14 then to 16) being corresponding to the second time calculated by the calculating section (when the answer to step 12 and step 14 is 'YES', the reproduced picture displayed, so therefore the commercial is skipped for 29 seconds).

Regarding claim 2, Omokawa discloses the calculating section calculates times a predetermined time before and after the first time (see paragraph 0054 where the prior art teaches 30 seconds is designated as a skip time and in the case the skip key is pressed twice  $28+30 = 50$ seconds, three times,  $58+30 = 88$  seconds).

Regarding claim 3, Omokawa discloses the output section outputs the first video signal made up of moving picture (see paragraph 0055 lines 44-52 where the prior art teaches with the first pressing the key, skip processing 28 seconds started immediately

Art Unit: 2621

and the commercial is skipped and pictures are outputted continuously, see also paragraph 0047), and outputs the second video signal made up of still picture (see step 14 where the prior art shows the image are displayed and paragraph 0055 where the prior art teaches the user is interested on the displayed picture and watching the displayed picture as still for 1 seconds).

Regarding claim 4, Omokawa discloses a selection operation section for receiving selection instruction input for selecting either of an output first video signal or an output second video signal output resulting from viewer operation (see figure 2 where Omokawa shows selection of S13 and S14 is performed and if the viewer is interested watching the displayed picture S16 is outputted), and wherein when a selection instruction input for selecting either video signal is received from the selection operation section within a predetermined time from the first time, the output section outputs the selected video signal (see paragraph 0055 where the prior art teaches when the user instruction is delayed, due to watching the picture displayed at step 14 the, access operation postponed to one second ).

Regarding claim 5, Omokawa discloses a selection instruction input for selecting either video signal is not received from the selection operation section within the predetermined time from the first time, the output section outputs only the first video signal (see figure 2, when the skip was not within three seconds, the first video signal is outputted after skipping the commercial for 27 seconds in step 13).

Regarding claim 6, Omokawa discloses the calculating section calculates a second time a predetermined time before or after the first time (see paragraph 0054

Art Unit: 2621

lines 31-35 where the prior art teaches pressing the key three times leads the commercial to skip for 88 seconds, since the commercials are usually provided in a unit of 30 seconds).

Regarding claims 7-9, the limitations of claims 7-9 can be found in claims 3-5 respectively above. Therefore claims 7-9 are analyzed and rejected for the same reasons as discussed in claims 3-5.

Regarding claim 10, Omokawa discloses when image data corresponding to the second skip time calculated by the calculating section is not recorded in the record and playback section, the output section does not output the second video signal. Claim the output section outputs recorded data (see paragraphs 0031 and 0051 where the prior art teaches reproducing recorded image data, see also paragraphs 0023-0024 where the prior art discloses sub-picture signal (referring to still picture) have a format suitable for recording).

Method claim 11 is rejected for the same reason as discussed in claim 1 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okujima et al. (US PG PUB 2003/0072556) discloses calculating differences between a desired playback start time and a desired recorded video position.

Koga et al. (US PG PUB 20070212030 A1) discloses determining a predetermined skip time and calculating a position.

Art Unit: 2621

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571)272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HELEN SHIBRU/  
Examiner, Art Unit 2621  
April 07, 2009

/ROBERT CHEVALIER/  
Primary Examiner, Art Unit 2621  
April 11, 2009.